



0000032166

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

DEC 16 1999

DOCKETED BY

MV

CARL J. KUNASEK

Chairman

JIM IRVIN

Commissioner

WILLIAM A. MUNDELL

Commissioner

IN THE MATTER OF THE APPLICATION)
OF GTE CALIFORNIA INCORPORATED -)
ARIZONA FOR APPROVAL OF A)
RESALE AGREEMENT WITH NOW)
COMMUNICATIONS, INC.)

DOCKET NOS. T-01846B-99-0548
T-03746A-99-0548

DECISION NO. 62134

ORDER

Open Meeting
December 7 and 8, 1999
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On October 1, 1999, GTE California Incorporated (GTE) filed an application for approval of an agreement for resale between GTE and Now Communications, Inc. (Now).

2. The term of the agreement starts at the date of Commission approval and continues until October 8, 2001. The agreement shall remain in effect after that date until either party gives ninety days notice of termination or a new agreement is entered into.

3. The agreement governs the terms and conditions for the resale of GTE's service.

4. The Telecommunications Act of 1996 (1996 Act) directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provided for interconnection and resale agreements to be concluded by voluntary agreement.

5. This resale agreement between Now and GTE was voluntarily negotiated, without resort to arbitration.

6. Under terms of the agreement, GTE will make certain local exchange services available to Now under the terms and conditions of the agreement.

...

1 7. Generally, GTE residential and business services will be made available to Now for resale
2 at a 11.9 percent discount.

3 8. According to the 1996 Act and State Rule, the Commission must approve voluntarily
4 negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in
5 the public interest. GTE has asserted that the provisions of the GTE/Now agreement are non-
6 discriminatory and in the public interest. Staff has reviewed the agreement and finds it to be non-
7 discriminatory and in the public interest.

8 9. Therefore, since there are no grounds for rejection of the agreement pursuant to Section
9 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the resale
10 agreement between GTE and Now.

11 CONCLUSIONS OF LAW

12 1. GTE is an Arizona public service corporation within the meaning of Article XV,
13 Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over Now and GTE and over the subject matter of
15 the application.

16 3. The Commission, having reviewed the application and Staff's Memorandum, has
17 determined that the resale agreement negotiated between GTE and Now meets the requirements of
18 the 1996 Act including section 252(e)(2)(A) which governs the approval of voluntarily-negotiated
19 agreements and is in the public interest.

20 4. The Commission maintains jurisdiction over the subject matter of the agreement and
21 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the
22 Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated
23 thereunder.

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the resale agreement as filed by the parties on October 1, 1999.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Acting Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 16th day of December, 1999.

BRIAN C. McNEIL
Executive Secretary

DISSENT _____

DRS:MJR:sjs\DMW

Decision No. 62134